

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2131 OF 2006.

Vijayalaxmi Murlidharan ..Applicant
v/s
The State of Maharashtra ..Respondent

Mrs. N.S. Nappinai for the applicant.
Mr. P.S. Hingorani, A.P.P. for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 7TH SEPTEMBER, 2006.

P.C.

. The applicant is a woman accused. She has been arrested in connection with CR.No.6 of 2005 registered at Mhaswad Police Station alleging offences punishable under Sections 409, 420, 467, 468, 471, 477, 477(A) and 120-B of Indian Penal code. The applicant has been arrested on 7th March, 2005 and is being in custody since then. All investigations are completed and charge-sheet has now been filed in the Court of Judicial Magistrate, First Class, Mhaswad.

2. Upon a complaint which was filed by the General Manager of Satara District Central Shahakari Bank the FIR was registered. The period under reference is between 31st May, 2002 to 19th October, 2004 and along

with employees of the Bank itself, it is alleged that forgery has been committed and the bank has been cheated because funds to the extent of Rs. 32, 46, 145.10 have been misappropriated.

3. The submission of the applicant's Counsel is that in this entire episode the applicant who is not a resident of Maharashtra State working as a Government employee, permanently residing at Banglore, Karnataka State is not involved because it is alleged that the aforesaid amount of nearly Rs. 18 lakhs have been transferred to the account of one N.T. Murlidharan, the husband of the present applicant.

4. I have perused the application and the annexures thereto, including affidavit of Shivaji Ramraya Kale, Police Sub-Inspector attached to Mhaswad Police Station.

5. It is alleged that the applicant's husband N.T. Murlidharan is master mind behind this crime. He is absconding. The offences alleged are serious and the main accused viz. the husband of the applicant is absconding till date. In such circumstances and when the applicant is not residing in Maharashtra, the

application be dismissed.

6. I have also perused the orders and directions issued on earlier occasions in this bail application. This Court was particularly concerned with the fact that although the applicant is woman accused and Government Servant, she resides out side Maharashtra State. Her husband being absconding there was apprehension that the applicant may not be available for trial.

7. An enquiry has been initiated as to whether the applicant holds passport in her name or not. On the earlier occasion, I had directed the applicant to file affidavit.

8. Accordingly, two affidavits are filed. In one affidavit the applicant states that she had not applied for passport and does not have a pass port in her name till date. In the second affidavit, she states that she is permanent resident of Banglore and has given details of her residential address. She is a Central Government employee working for last 20 years in the office of Accountant General at Banglore. She has pointed out that her children are studying in 12th and 8th standard.

She has pointed out that when the investigations are completed and charge-sheet is filed and she has undertaken that she will remain present in-person or through pleader on all hearings and will not abscond, so also abide all conditions imposed by this Court, then, in my view, in the light of these materials it would be appropriate to direct that the applicant be released on bail on the following conditions:-

i) The applicant arrested in connection with CR.No.6 of 2005 registered with Mhaswad Police Station shall be enlarged on bail subject to furnishing a personal bond of Rs. 25,000/- with one or two local sureties in the like amount.

ii) The applicant shall attend Mhaswad Police Station once in a fortnight till conclusion of the trial.

iii) The applicant shall not be released unless, she furnishes her proof of residence at Banglore to the Investigating Machinery and that she shall continue to reside at the said address and if any change with regard to her residential address should be intimated

to the I.O. prior to her shifting from the permanent residence presently at Bangalore.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

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(S.C. DHARMADHIKARI, J.)